1	AARON D. FORD	
2	Attorney General Allison Herr (NV Bar No. 5383)	
3	Senior Deputy Attorney General State of Nevada	
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5	Las Vegas, NV 89101 (702) 486-3799 (phone) (702) 486-2377 (fax)	
6	AHerr@ag.nv.gov Attorneys for Respondents	
7	Autorneys for reespondents	
8	UNITED STATES DISTRICT COURT	
9	DISTRICT OF NEVADA	
10	CHARLES MCDONALD,	G N 2 10 002(1 PEP PM
11	Petitioner,	Case No. 2:19-cv-00261-RFB-DJA
12	vs.	MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO AMENDED PETITION
13	WARDEN BRIAN WILLIAMS, et al.,	FOR WRIT OF HABEAS CORPUS (ECF NO. 14)
14	Respondents.	(THIRD REQUEST)
15		
16	Respondents move this Court for an enlarge	ement of time of sixty-two days from the current due
17	date of Tuesday, June 1, 2021 up to and including Monday, August 2, 2021 in which to file their answer	
18	to Petitioner's Amended Petition for Writ of Habeas Corpus. (ECF No. 14). This motion is made pursuant	
19	to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached affidavit	
20	of counsel.	
21	This is the third enlargement of time sought by Respondents and is brought in good faith and not	
22	for the purpose of delay.	
23	DATED June 1, 2021.	
24	AARO	ON D. FORD
25	Attorr	ney General
26	By: <u>/</u> s	s/ Allison Herr Illison L. Herr (Bar No. 5383)
27		enior Deputy Attorney General
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## **DECLARATION OF ALLISON HERR**

STATE OF NEVADA ) ss: COUNTY OF CLARK )

- I, Allison Herr, being first duly sworn under oath, depose and state as follows:
- 1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in the case of *Charles E. McDonald v. Brian Williams*, 2:19-cv-00261-RFB-CWH, and as such, have personal knowledge of the matters contained herein.
- 2. An answer to the Amended Petition for Writ of Habeas Corpus (ECF No. 14) is currently due on Monday, June 1, 2021. Respondents have been unable to timely complete their answer in this matter and need additional time. Respondents are seeking an extension up to and including Monday, August 2, 2021.
- 3. Despite best efforts I have been unable to timely complete the answer in this matter as I had responses due in two state matters this past week, and an answer due May 28, 2021 in a matter that was on its fifth extension in *Malone* 2:18-cv-01146.
- 4. In the next thirty days I have two answering briefs due to the Nevada Supreme Court, an answering brief due to the 9<sup>th</sup> Circuit, and an evidentiary hearing in federal court, and a motion to dismiss, and two answers due in federal court. This is in addition to counsel's regular duties responding to state habeas matters.
- 5. Unfortunately, a number of unique issues arose that led to prior requests for extension, including workload, the unexpected loss of employees, certain Ninth circuit matters, and the medical treatment and the hospitalization of a family member. Further both the staff and attorneys at the Nevada Attorney General's office remain subject to unpaid furlough through June 30, 2021. Given these issues additional time is necessary for Respondent to complete their answer.
- 6. I have discussed this matter with opposing counsel and he does not object to my request for an extension.

1	7. This is the third request
2	I declare under penalty of perju
3	Executed on this 1st day of June
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st for an extension.

ury that the foregoing is true and correct.

e 2021.

/s/ Allison Herr Allison L. Herr (NV Bar No. 5383)

IT IS SO ORDERED:

RICHARD F. BOULWARE, II United States District Judge

DATED this 4th day of June, 2021.

1	<u>CERTIFICATE OF SERVICE</u>
2	I hereby certify that I electronically filed the foregoing Motion for Extension of Time to File
3	Answer to Petition for Writ of Habeas Corpus (Third Request) with the Clerk of the Court by using the
4	CM/ECF system on June 1, 2021.
5	The following participants in this case are registered electronic filing system users and will be
6	served electronically:
7	Ron Y. Sung
8	Assistant Federal Public Defender 411 E. Bonneville Ave., Suite 250
9	Las Vegas, NV 89101 Ron_sung@fd.org
10	/a/M. I and noth
11	/s/ M. Landreth An employee of the Office of the Attorney General
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